



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

#2

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/555629	YAMAZAKI	N 2520-0118P
BIRCH STEWART KOLASCH & BIRCH P O BOX 747 FALLS CHURCH, VA 22040 0747		INTERNATIONAL APPLICATION NO.
		PCT/JP98/05470
		I.A. FILING DATE      PRIORITY DATE
		03 DEC 98      03 DEC 97
		DATE MAILED: 30 JUN 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
  - a Designated Office (37 CFR 1.494),
  - an Elected Office (37 CFR 1.495):
    - U.S. Basic National Fee.
    - Copy of the international application in:
      - a non-English language.
      - English.
    - Translation of the international application into English.
    - Oath or Declaration of inventors(s) for DO/EO/US.
    - Copy of Article 19 amendments.
    - Translation of Article 19 amendments into English.
    - The International Preliminary Examination Report in English and its Annexes, if any.
    - Translation of Annexes to the International Preliminary Examination Report into English.
    - Preliminary amendment(s) filed 06/02/00 and \_\_\_\_\_.
    - Information Disclosure Statement(s) filed 06/02/00 and \_\_\_\_\_.
    - Assignment document.
    - Power of Attorney and/or Change of Address.
    - Substitute specification filed \_\_\_\_\_.
    - Verified Statement Claiming Small Entity Status.
    - Priority Document.
    - Copy of the International Search Report  and copies of the references cited therein.
    - Other: PCT/RO/101
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

Barbara A. Campbell  
Telephone: 703-305-3631 *BAU*



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#4

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/555629	YAMAZAKI	N 2520-0118P
BIRCH STEWART KOLASCH & BIRCH 8110 GATEHOUSE ROAD SUITE 500 EAST FALLS CHURCH, VA 22042	INTERNATIONAL APPLICATION NO.	
	PCT/JP98/05470	
IA. FILING DATE		PRIORITY DATE
03 DEC 98		03 DEC 97
DATE MAILED:		

NOTIFICATION OF A DEFECTIVE RESPONSE **22 DEC 2000**

1.  The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2.  Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3.  Applicant's response filed July 30, 2000 included the following items, the receipt of which is hereby acknowledged:

- Copy of the international application in:
- a non-English language.
- English.
- Translation of the international application into English  which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f))  which is insufficient.
- Oath or Declaration of inventor(s).
- in compliance with 37 CFR 1.497(a) and (b).
- not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e))  which is insufficient.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s).
- Information Disclosure Statement(s).
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Other:

4.  All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed June 30, 2000) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed:  PCT/DO/EO/917       Notice of Defective Translation

Barbara A. Campbell

Telephone: 703-305-3631



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		L.A. FILING DATE 03 DEC 98
		PRIORITY DATE 03 DEC 97

DATE MAILED:

**22 DEC 2000**

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1.  is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2.  does not identify the specification to which it is directed.
3.  does not properly identify the inventor(s). (Ikue Mori)
4.  does not identify the citizenship of each inventor.
5.  does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1.  does not identify the city and state or city and foreign country of residence or each inventor.
2.  does not state that the person making the oath or declaration:
  - a.  has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b.  acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3.  does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4.  does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

**Barbara A. Campbell**

Telephone: 703-305-3631